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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,355

05/16/2006

Lothar Koenig

P70705US0

1125

136 7590 04/04/2008

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

CABRERA, ZOILA E

ART UNIT

PAPER NUMBER

2123

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,355	Applicant(s) KOENIG ET AL.	
	Examiner Zoila E. Cabrera	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it has more than one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The terms “substantially”, “recent and older measuring cycle”, “older measured values”, “latest measured values”, in claims 1 and 6 are relative terms which renders the claim indefinite. The terms “recent and older measuring cycle”, “older measured values”, “latest measured values” are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The claims are replete with indefinite and/or functional language not supported by the recited structure. The above listing is exemplary of the types of errors present and not necessarily an exhaustive listing. Therefore, please review the claims and amend accordingly for compliance with 35 USC 112, second paragraph.

As best understood and in order to provide a complete action, claims 1-11 are further rejected under 103 below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Hirata et al. (US 6,856,855).

As for claim 1 and 6, Applicant admits all the recited features of the preamble (Specification, Pages 1, line 15 to Page 2, line 3). However, Applicant does not disclose as prior art and states that his invention is characterized in that while providing the statistical values in relation to the older measured values, the latest measured value(s) during a predetermined time-frame at the start of the extrusion process are more heavily weighted by the computer (14) than those measured during the normal operation. Hirata teaches, statistical values in relation to the older measured values, the latest measured value(s) during a predetermined time-frame at the start of the extrusion process are more heavily weighted by the computer (14) than those measured during the normal operation (Col. 3, lines 1-19; Col. 7, lines 1-12, i.e., at the beginning of production the control is carried out at short cycles, therefore measured values at the

beginning or start of production are heavily weighted than during stable production or normal operation).

As for claim 2-5, and 7-11 Hirata further teaches,

Claim 2 (original): Process pursuant to claim 1 characterized in that the computer (14) determines the statistical values by taking into account measured values or information derived therefrom using a smaller number (N) of measuring cycles (MZ) during a predetermined time-frame at the start of the extrusion process than the number of measuring cycles used during the normal operation (Col. 3, lines 1-19; Col. 7, lines 1-12, i.e., at the beginning of production the control is carried out at short cycles, therefore measured values at the beginning or start of production are heavily weighted than during stable production or normal operation).

Claim 3 (currently amended): Process pursuant to one of the afore-mentioned claims claim 1 characterized in that the computer (14) determines the statistical values during a predetermined time-frame at the start of the extrusion process wherein at least one older measured value is provided with a smaller weighting factor than the weighing factor used during normal operation (Col. 3, lines 1-19; Col. 7, lines 1-12, i.e., at the beginning of production the control is carried out at short cycles, therefore measured values at the beginning or start of production are heavily weighted than during stable production or normal operation).

Claim 4 (currently amended): Process pursuant to one of the afore-mentioned claims claim 1 characterized in that the computer (14) determines the statistical values during a predetermined time-frame at the start of the extrusion process wherein at least one recent measured value is provided with a larger weighting factor than the weighting factor used during normal operation (Col. 3, lines 1-19; Col. 7, lines 1-12, i.e., at the beginning of production the control is carried out at short cycles, therefore measured values at the beginning or start of production are heavily weighted than during stable production or normal operation).

Claim 5 (currently amended): Process pursuant to one of the claims 2 to 4 claim 2 characterized in that the number (N) of measuring cycles (MZ) and/or the weighting factors after the start of the extrusion process are made to approximate in steps the number (N) of measuring cycles (MZ) used in the normal operation and/or the weighting factors used in the normal operation (Col. 3, lines 1-19; Col. 7, lines 1-12, i.e., at the beginning of production the control is carried out at short cycles, therefore measured values at the beginning or start of production are heavily weighted than during stable production or normal operation).

As for claims 6-11, the same citations and comments applied to claims 1-5 above apply as well for these claims.

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of applicant's admitted prior art with the method for controlling the thickness of sheets manufactured by the extrusion of a material because it would provide an improved method that provides a

Art Unit: 2123

sheet thickness controller that can uniformly and stably control the thickness of a sheet in a transverse direction (Hirata, Col. 2, lines 24-32)

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ZEC/
Primary Examiner
4/4/2008

Application/Control Number: 10/541,355
Art Unit: 2123

Page 8

/Zoila E. Cabrera/

Primary Examiner, Art Unit 2123